

**REMARKS**

Applicants' representative thanks the Examiner for his time and consideration during the telephone interview of March 24, 2005. During the interview, the Examiner explained the rejections in view of the Jandrell reference, and discussed with Applicants' representative potential claim amendments to clarify the scope of the claimed subject matter.

By the foregoing amendment, claims 1, 7, 11, 15 and 24 are amended to correct informalities in accordance with the Examiner's suggestions on page 2 of the Office Action and to clarify the scope of the claimed subject matter.

**Rejections under 35 U.S.C. § 103**

In the Office Action, the Examiner maintained the rejections of claims 1, 2, 5-7 under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,150,310 to Greenspun et al. (hereinafter "Greenspun") in view of U.S. Patent No. 6,459,704 to Jandrell (hereinafter "Jandrell") and claims 11-16, 18-20 and 24 under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,121,926 to Belcher et al. (hereinafter "Belcher") in view of Jandrell. Applicants respectfully traverse the rejections of record.

Independent claim 1, as amended, is directed to:

- detecting the presence of radio frequency energy on a first channel in a first cell of a cellular network;
- if said radio frequency energy is substantially less than a predetermined threshold, transmitting said location identification signals on said first channel;
- if said radio frequency energy on said first channel is not substantially less than said threshold, detecting the presence of radio frequency energy on a second channel in a second cell of said cellular network;

The claimed invention relates to real time location systems implemented *in a cellular network*. The first and second channels referred to are communications channels in different cells of a cellular network.

The Jandrell reference, however, is directed to a different type of system. The purpose of the channel-switching features in Jandrell is to avoid interference and to provide diversity between the transmitter and receiver. (*See, e.g.*, Jandrell, Abstract (“A scheme is also described for applying an efficient frequency hopping technique to the method for use on congested, shared radio-bands requiring spread-spectrum techniques for access to the band.”)). This implies that the location receivers (i.e., PROX and DFRs) also switch frequencies to receive the transmitted packets. For example, in col. 4, ln. 40, Jandrell states “In order to quickly hear a transmission, the PROX and DFRs rapidly scan all of the frequency channels for possible transmissions.” (*See also, e.g.*, col. 12, ln. 3 (“Referring now to Fig. 9, depicting a flow diagram of fast-scanning algorithm used by the PROX and DFR transceivers.”)) Accordingly, in the system of Jandrell, all locationing receivers can receive the transmitted signal, and frequency hopping is simply used as a means of diversity.

In contrast, the present invention addresses the problem of receiving a transmitted signal in a cellular radio environment where neighboring cells are on different fixed (or largely fixed) channels. In this case, a transmitted signal on a particular frequency can only be received by cells that are also on that particular frequency. Accordingly, the reason for switching frequencies is to communicate with neighboring cells on different primary channels. The claimed invention is thereby notably different from a standard data communications network where a transmitter communicates with a single cell.

Additionally, Applicants incorporate by reference all of Applicants’ previous Remarks respecting Greenspun, Jandrell, and Belcher, as set forth in Applicants’ September 27, 2004 Amendment.

For at least these reasons, Applicants respectfully submit that claim 1 as amended is in condition for allowance. Independent claims 11, 15 and 24 recite similar limitations to claim 1 in these respects, and are likewise patentable for similar reasons. The remaining dependent claims all depend from one of claims 1, 11, 15 or 24, and Applicants respectfully submit that these dependent claims are therefore also in condition for allowance.

CONCLUSION

In view of the foregoing amendment and remarks, favorable reconsideration and allowance of claims 1, 2, 5-7, 11-16, 18-20 and 24 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



Robert L. Maier  
PTO Reg. No. 54,291  
(212) 408-2538

*Attorney for Applicants*

BAKER BOTTS L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112